

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:19-CR-319-FL-1

UNITED STATES OF AMERICA

v.

ANTHONY TEDDY WHITE,

Defendant.

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ORDER

This matter came before the court on June 24, 2020, for administrative telephonic conference on trial scheduling.


At teleconference, the court discussed with the parties an appropriate date for trial, consistent with the requirements of the Speedy Trial Act of 1974, as amended, 18 U.S.C. § 3161(c)(1). The court may exclude from speedy trial computation “[a]ny period of delay resulting from a continuance granted by any judge on [her] own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of [her] findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). In granting a continuance under the “ends of justice” provision, the court must make findings based on a nonexhaustive list of factors, such as the complexity of the case and the time reasonably required by the parties to prepare. See 18 U.S.C. § 3161(h)(7)(B).

At conference, the court inquired how much time defense counsel and counsel for the government reasonably required to effectively prepare for trial, considering the due diligence of the parties and any complexities in the case. While the court recognized defendant’s position

that this is a simple case involving a single transaction, the court noted that neither party had filed proposed jury instructions or voir dire, as required by the court's August 19, 2019, scheduling order. Defense counsel also noted he is in discussions with defendant regarding filing of pretrial motions, and the court has set a deadline herein for filing thereof, and responses thereto. In addition, counsel for defendant and the government are engaged in discussions regarding the disclosure of the identity of a confidential informant, and counsel for defendant noted that upon disclosure there may be a need for further discovery as to the informant. Thus, the court finds that the reasonable time necessary for effective preparation precludes setting of trial prior to its August 13, 2020 court session.

Taking the information discussed at conference into account, jury trial of estimated length of two days is set to commence at New Bern on August 13, 2020, at 9:00 a.m. Not later than July 17, 2020, the parties shall file any motions in limine, with any responses due within 14 days of filing thereof. Not later than August 4, 2020, the parties shall file their proposed jury instructions and voir dire. The court finds that the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial.

SO ORDERED, this the 24th day of June, 2020.



LOUISE W. FLANAGAN
United States District Judge